THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3167 of 2007

Dated:09.04.2007

Between:

Smt.Ekadasi Devi and another.

… Petitioners

AND

Mandal Revenue Officer and another.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3167 of 2007

ORDER:

The petitioners allege that the land admeasuring Acs.8.23 guntas in Survey No.24 situated at Pocharam Village of Sangareddy Taluq in Medak District was purchased by their vendor (Kush Naseeb Khan) from Smt.Sherifa Begum under registered sale deed dated 16.10.1985. After obtaining necessary mutation in the revenue records, the petitioners' vendor was allegedly cultivating the land. In 1987, the Mandal Revenue Officer issued proceedings proposing to take possession of the land in Survey Nos.24/1 to 24/8 admeasuring Acs.11.04 guntas on the ground that it is an assigned land, and the alienation is made in contravention of the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). The petitioners' vendor submitted a reply. The first respondent then issued proceedings bearing No.C/1608/1987 dated 21.04.1988 observing that Kush Naseeb Khan failed to submit proper explanation. Whatever be the case, the orders were passed by the Mandal Revenue Officer to resume the land. Kush Naseeb Khan then preferred an appeal before the District Collector, who by proceedings dated 22.07.1988 set aside the orders of the Mandal Revenue Officer. The petitioners purchased and extent of Acs.2.04 guntas each (totally admeasuring Acs.4.08 guntas) for valuable consideration from his vendor, Kush Naseeb Khan, who still had Acs.4.15 guntas. Thereafter, when there was a threat of dispossession by some persons, the petitioners filed an application on 16.02.2006 before the first respondent seeking a direction not to interfere with their possession, in vain. The petitioners then filed W.P.No.4084 of 2006 before this Court. By an order dated 03.03.2006, the said Writ Petition

was disposed of by this Court observing that if there is any illegal transfer by landless poor, it is always open to the respondents to initiate necessary action in accordance with law. Thereafter, the petitioners made a representation on 13.12.2006 to the second respondent requesting necessary instructions to the first respondent not to dispossess them. Alleging that the said representation was not disposed of and there is a threat of dispossession by the first respondent, the petitioners filed the instant Writ Petition. The main relief sought in the Writ Petition is a direction to the second respondent to dispose of the representation dated 13.12.2006. Though unrelated to the main relief, an incidental relief is also sought to the respondents not to interfere with the alleged possession of the petitioners.

The matter is coming up since February 2007 as the learned Assistant Government Pleader sought time for getting instructions. Indeed, on 23.02.2007 itself, the learned Assistant Government Pleader brought to the notice of this Court that orders of resumption were passed under the Andhra Act, and the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977. He, however, informed that the matter is still pending before the second respondent. Today, the learned Assistant Government Pleader produced before this Court a Memo bearing Lr.No.C1/540/2007, dated 17.02.2007, issued by the second respondent, whereby the second respondent disposed of the representation dated 13.12.2006. In the said order, the second respondent noticed that the order of the District Collector dated 22.07.1988 whereby and whereunder the orders of resumption by the Mandal Revenue Officer was set aside, was the subject matter of the proceedings before the Government of Andhra Pradesh, and that the Government of Andhra Pradesh by Memo bearing No.40484/Assn.V(I)/94-7, dated 20.02.1999, set aside the orders of the District Collector, as a result of which, the Mandal Revenue Officer took possession of the land to the custody of the Government.

The petitioners' contention in support of their case is that the resumption order of the Mandal Revenue Officer was set aside by the District Collector. Now that it has come to light that the District Collector's order itself was set aside by the Government, the petitioners cannot have any right, especially, when the possession was already taken.

The Writ Petition is misconceived, and is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

09.04.2007

vs